

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-69—sSB 238

Judiciary Committee

AN ACT CONCERNING INMATE DISCHARGE SAVINGS ACCOUNTS

SUMMARY: This act makes a number of changes regarding compensation inmates earn performing jobs. Among other things, it:

1. requires the Department of Correction (DOC) commissioner to perform the duties associated with inmate compensation previously performed by individual facility administrators;
2. eliminates the requirement that each inmate have an individual bank account and instead requires the commissioner to direct inmates' compensation to a bank account or an account that the state treasurer administers;
3. limits the inmate discharge savings program to sentenced inmates incarcerated in Connecticut;
4. allows the DOC commissioner to collect, as part of an inmate's cost of incarceration, a fee for participating in any job training, skill development, or career opportunity or enhancement program; and
5. requires the DOC commissioner to make the inmate labor pilot program consistent with governing federal guidelines (see BACKGROUND) and makes changes to how program participants' compensation is handled.

EFFECTIVE DATE: July 1, 2013

INMATE COMPENSATION

Prior law required the head of each correctional facility to deposit in a separate individual inmate bank account compensation inmates earned for services performed on behalf of the state. The act instead makes the DOC commissioner responsible for depositing inmate compensation, eliminates the requirement for an individual inmate bank account, and requires depositing inmate compensation in a bank account or state treasurer- administered account.

The law requires payment of certain obligations from an inmate's account. Prior law set the following priorities for payments:

1. federal taxes;
2. court-ordered restitution or victim compensation, civil judgments in favor of a victim, or victim compensation through the criminal injuries account;
3. state taxes;
4. support of dependents;
5. necessary travel and incidental expenses for work;
6. incarceration costs; and
7. payments to the court clerk if the inmate is held only for not paying a fine.

Prior law also required transfers to a discharge savings account for each

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inmate but did not specify its priority. The act requires contributions to an inmate's discharge savings account after satisfying obligations 1 to 5 above, but before incarceration costs and payments to court clerks for inmates held only for not paying a fine.

DISCHARGE SAVINGS ACCOUNT

The law allows DOC to transfer up to 10% of any deposit to an inmate's individual account to his or her discharge savings account. Once the discharge savings account reaches \$1,000, DOC must deduct 10% from any deposits to reimburse the state for the inmate's incarceration costs, as necessary.

The act limits the requirement to accumulate discharge savings to only those inmates sentenced and confined in Connecticut. It also prohibits DOC from reducing an inmate's discharge savings to pay the obligations listed above, as was previously required.

WORK-RELEASE COMPENSATION

By law, the DOC commissioner can allow an inmate to continue in outside employment or attempt to obtain such employment for an inmate. Prior law required giving the commissioner any compensation the inmate earned. The act allows the commissioner's designee to receive the earnings and eliminates the requirement that the funds be held in trust for an inmate. It instead requires depositing the money in a bank account or an account that the state treasurer administers. The money must be credited to the inmate's individual account.

The law requires payment of certain obligations from this compensation. Prior law set the following priorities for payments:

1. federal taxes;
2. court-ordered restitution or victim compensation, civil judgments in favor of a victim, or victim compensation through the criminal injuries account;
3. state taxes;
4. support of dependents;
5. necessary travel and incidental expenses for work; and
6. incarceration costs.

The act specifies that inmates contribute to their discharge savings accounts after satisfying all of these disbursements other than incarceration costs.

The act permits work release program participants' compensation to be levied or attached.

PILOT INMATE LABOR PROGRAM

The law allows the DOC commissioner to establish a pilot program to use inmate labor in private industry and enter into any necessary contract, including rental or lease agreements. An inmate may only participate in this program voluntarily and after he or she has been informed of the employment conditions. Inmates must be paid at least the prevailing wage for similar work in private industry.

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The act:

1. subjects compensation received by program participants to state claims for the cost of their incarceration,
2. eliminates a requirement for the DOC commissioner or his designee to collect and deposit participants' compensation in a trust account,
3. permits program participants' compensation to be levied or attached, and
4. requires the DOC commissioner or his designee to notify the social services commissioner and the welfare department in the town where a program participant's dependents live of any amount being paid to the dependents on the participant's behalf.

BACKGROUND

Prison Industry Enhancement Certification Program Guidelines

Federal guidelines govern such things as program eligibility, minimum wages, and allowable deductions from inmates' wages.

OLR Tracking: CR:LH:PF:RO